

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SUZANNE CARLSON,
Appellant,

v.

UNITED STATES OF AMERICA
Appellee.

CIVIL ACTION NO. 05-10227-WGY

MOTION TO COMPEL PRODUCTION OF THE RECORD
AND TO REQUEST INSTRUCTIONS

NOW COMES the Appellant in the above captioned matter to move this honorable Court to compel the Appellee to produce the recording of the hearing held pursuant to IRC § 6320/6330. Additionally, the Appellant asks the Court for instructions on the issue of whether the recording is to be transcribed for the Court or is to be produced in its current form.

As reasons therefore the Appellant states:

1. The parties tape-recorded the Appellant's Collection Due Process Hearing ("Hearing") held on October 14, 2004.
2. That the Appellee has failed to produce this recording with the production of the record provided to the Court.

WHEREFORE, the Appellee moves the Court to grant instruction for providing it with:

1. A copy of the tape-recorded Hearing;
2. A transcript of the tape-recorded Hearing; or
3. Both.

Respectfully Submitted,

Suzanne Carlson
By her Attorney

/s/ Timothy J. Burke
Timothy J. Burke
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Appellant's Certificate of Compliance with Local Rule 7.1.

Appellant's counsel hereby certifies that his office telephoned counsel for the Appellee, Barry Reiferson on March 12, 2005. Mr. Reiferson indicated his opposition to the Appellant's Motion. No further agreement can be reached on narrowing the issue before the Court.

/s/ Timothy J. Burke

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true copy of the above document was served upon the attorney of record via first class mail on May 13, 2005.

/s/ Timothy J. Burke